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| 09/724,732      | 11/28/2000  | Jonathan D. Courtney | SUN1P506/P4151      | 7770             |

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EXAMINER

DEMICO, MATTHEW R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/724,732

Applicant(s)

COURTNEY ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on Page 3, Line 29 demultiplexer "204" should be corrected to --205-- as it appears in the drawings. Appropriate correction is required.

### ***Claim Objections***

2. Claim 16 is objected to because of the following informalities: it is a duplicate of Claim 15 and shares the same dependencies. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 10-11, 14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,778,181 to Hidary et al.

Regarding Claim 1, Hidary discloses a receiver (Col. 4, Line 19) suitable for accessing selected portions of synchronized data that is transmitted by a broadcaster (Col. 1, Lines 61-62) in a broadcasting system (See Figure 2). The synchronized data of Hidary consists of embedded URLs (Col. 3, Lines 41-46), which are used to retrieve web pages that correspond to a video presentation. The content of the web page is time stamped

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(Col. 3, Lines 64-67) and is synchronized and displayed along with television programming (Col. 5, Lines 7-12). This reads on the claimed synchronized data accessing system capable of providing access to synchronized data transmitted by the broadcaster. Further the system provides an interface that can be used by the data requestor to access the data (Col. 4, Line 64 – Col. 5, Line 5), wherein the data requestor can initiate a request to access the synchronized data through the interface and data is made available and accessed by the requester through the interface (Col. 5, Lines 46-59).

Regarding Claim 2, Hidary discloses a system as stated above in Claim 1 wherein the interface is a JAVA enabled browser (Col. 4, Line 64). This reads on the claimed programming language interface (API).

Regarding Claim 3, Hidary discloses a system as stated above in Claim 2 wherein the system is adapted to receive an embedded URL (Col. 3, Lines 55-59) and to provide a web browser application for the user to view the associated web page as stated above. The component of the system adapted to detect and receive an embedded URL reads on the claimed listener API and the web browser reads on the claimed point of access API.

Regarding Claim 4, Hidary discloses a system as stated above in Claim 1 wherein synchronized content is displayed in a video window (Col. 5, Lines 41-46). This reads on the claimed system wherein the synchronized data accessing system provides a notification associated with the transmitted synchronized data.

Regarding Claim 5, Hidary discloses a system as stated above in Claim 4. The synchronized data is a web page displayed in a video window in a web browser as stated

above. Further, the web page may include other information that can be used by a data requestor to access data such as hyper links (Col. 6, Lines 41-44).

Regarding Claim 6, Hidary discloses a system as stated above in Claim 5 wherein the URLs have associated time stamps, which indicate when they are to be displayed (Col. 3, Lines 64-67). Since the notification, or display of the web page, is based on the time stamp, this reads on the claimed notification including a timestamp.

Regarding Claim 10, Hidary discloses a system as stated above in Claim 1 wherein the synchronized data accessing system provides information in the form of a web page as stated above. It is inherent that a web page may be used to access data in segments. These segments could be hyperlinks to other web pages, images, frames, tables or any other method of displaying and arranging information as are well known in the art.

Regarding Claim 11, Hidary discloses a system as stated above in Claim 1 wherein a client system (Col. 6, Lines 26-34) receives broadcast data from a video server (Col. 1, Lines 64-65) and the Internet via a distribution network (Col. 4, Lines 12-15). The video server reads on the claimed data provider and the client reads on the data accessor.

Regarding Claim 14, Hidary discloses a method of accessing synchronized data transmitted by a broadcaster in a broadcast system as stated above in Claim 1, the method comprising acquiring an interface that provides an interface for a data requestor to request access to synchronized data (Col. 5, Lines 46-59). Further, Hidary discloses acquiring a point of access interface that allows the user to access synchronized data (Col. 4, Line 64 – Col. 5, Line 12). The control panel (listener interface) allows the user

to go back and retrieve pages that were already displayed for display in the web browser (point of access interface). This reads on the claimed linking of interfaces and accessing synchronized data through the interface via the point of access interface. Hidary further discloses that a web page may contain audio data (Col. 6, Lines 11-14). This reads on the user being a listener as claimed.

Regarding Claim 19, see Claim 14 above. Hidary further discloses implementing the system on a computer device (Col. 4, Lines 19-33). It is inherent that there must be computer program code running on the computer to implement the functions of the system.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, 12-13, 15-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary et al.

Regarding Claim 7, Hidary discloses a system as stated above in Claim 5. What is not disclosed, however, is that the notification includes a length of data indicator that indicates the length of data. Official Notice is hereby taken that it is well known in the art that digital transmission protocols often include a length of data indicator. Further, it is well known that web browsers often display a data length progress indicator when

displaying a screen. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Hidary with the data length indicator of the well-known prior art in order to allow the user to see how large the data segment is and how much time will be required to complete the transaction.

Regarding Claim 8, Hidary discloses a system as stated above in Claim 5. Hidary further discloses that the notification includes a timestamp as stated above in Claim 6. Hidary in view of the well-known prior art further disclose that the notification includes a data length indicator as stated above in Claim 7.

Regarding Claims 9 and 12-13, Hidary discloses a system as stated above in Claim 1. What is not disclosed, however, is that the system provides error-handling information or that the data accessor can send a request to resynchronize data. Official Notice is hereby taken that it is well known in the art that digital transmission protocols often include error handling. Typically, if a corrupted data packet is received, a request to retransmit the data is sent. This reads on the claimed request to resynchronize data. Further, since browsing the web requires bi-directional communication, it is inherent that the data provider, when receiving an error from the accessor, may send an error notification to the accessor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Hidary with the error handling of the well-known prior art in order to prevent the display of corrupted data.

Regarding Claims 15 and 16, Hidary discloses a system as stated above in Claim 9. As stated above, a web page is displayed when synchronized data is received based on

a time stamp. This display of a web page reads on the claimed notification to a data requestor indicating data is ready for access.

Regarding Claim 17, Hidary discloses a system as stated above in Claim 16. Hidary further discloses that the notification includes a timestamp as stated above in Claim 6. Hidary in view of the well-known prior art further disclose that the notification includes a data length indicator as stated above in Claim 7.

Regarding Claim 18, Hidary discloses a system as stated above in Claim 9. Hidary in view of the well-known prior art disclose sending an error notification to the data requester as stated above in Claim 13.

Regarding Claim 20, see Claim 15 above.

Regarding Claim 21, see Claim 8 above.

Regarding Claim 22, see Claim 13 above.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. U.S. Patent No. 6,282,713 to Kitsukawa et al. discloses an on-demand advertising system where ad information is received with television broadcasts and an alert is generated on screen that a viewer may select to receive additional information.

b. U.S. Patent No. 6,326,982 to Wu et al. discloses a client/server system where web pages associated with video data are transmitted at a particular time.



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c. U.S. Patent No. 6,400,407 to Zigmond et al. discloses a system that embeds URLs in television broadcasts with a visual indicator alerting the user that content is available.

d. U.S. Patent No. 6,487,543 to Ozaki et al. discloses a system for receiving broadcast data with embedded hyperlinks and synchronization information comprising a channel, data and time information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrd  
March 2, 2004

  
HAITRAN  
PATENT EXAMINER